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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,551

09/19/2005

Adrian Barclay Caroen

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57381 7590 12/17/2008
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EXAMINER

BRAHAN, THOMAS J

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

12/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,551	Applicant(s) CAROEN ET AL.	
	Examiner Thomas J. Brahan	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5,7,8,10-13,19 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5,7,8,10-13,19 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

2. Claims 5, 10-12 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas. Figure 6 of Tremblay shows the basic claimed combination of a stairlift chair comprising:

a chair having a front, back and two spaced lateral sides;

means for attaching the chair with a stairlift rail; and

a containment device (122), the containment device comprising a pair of fixing points mounted the spaced sides of the chair and a length of seat belt.

Tremblay varies from claim 24 by not having a reel for retracting the seat belt. Nicholas shows a seat belt comprising:

a fixing point (26) mounted on or adjacent one of the spaced sides (of the seat);

a reel carrier having a housing (40) sized and shaped to locate comfortably within a users hand and having a fixing component (41) integral with the housing (40), which fixing component is engageable with the fixing point (26);

a reel rotatably mounted in the reel carrier;

a length of belt (42) wound onto, and fixed at one end to, the reel and having an opposite free end, wherein the opposite free end is fixed on or adjacent to the other of the spaced sides, and wherein said reel carrier is displaceable laterally between the spaced sides to position the fixing component (41) for engagement and is engageable with the fixing point (26; the retractor may travel with the belt, as to be displaceable, see the last three lines of column 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing it with a retracting reel, as to have it retractable for adjustable and for non-use storage as taught by Nicholas. The containment belt of Nicholas has a spring retraction means, see column 3, lines 3-5, as recited in claim 5. The stairlift chair of

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Tremblay includes two spaced armrests, the free end of the belt of Nicholas would be attached at one of the armrests, with reel carrier being removably connectable at the other of the armrests, as recited in claim 10, with the connections closer to the forward edges of the armrests, as recited in claim 11, as to be within the sight of a stairlift user, as recited in claim 12.

3. Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas, as applied above to claim 24, and further in view of Gray. Tremblay as modified shows the basic claimed stairlift chair and seat belt. It varies from the claims by not having locking means to lock the reel as an act of engaging the fixing component. Gray shows a similar moving reel seat belt with a locking means (actuator assembly 82) operable to lock the position of the belt by the act of engaging the reel carrier to the fixing point (44). It would have been obvious to one of ordinary skill at the time the invention was made by applicant to provide the reel of Nicholas with an automatic reel lock, as taught by Gray.

4. Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas, as applied above to claim 24, and further in view of Compeau or Takada. Tremblay taken with Nicholas shows the basic claimed combination of a stairlift chair and a reeled seat belt. It varies from the claims by not having a the exit of the reel carrier formed with a supporting member. Compeau shows a seat belt system with a belt slot (68) at the reel housing exit. Takada shows a seat belt system with a guide sheath (24) at the reel housing exit. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing the reel housing with guide sheath, to guide the belts movements and prevent chaffing, as taught by Compeau, or as taught by Takada.

5. Claims 13 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas, as applied above to claim 24, and further in view of Berton et al. Tremblay taken with Nicholas shows the basic claimed combination of a stairlift chair and a reeled seat belt. It varies from the claims by not having a shoulder strap. Berton et al shows a similar seat belt system with a should strap (21). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing it with a shoulder belt, for better restraint, as taught by Berton et al.

6. Applicant's remarks in the amendment filed September 29, 2008, have been fully considered, but are not deemed to be persuasive with respect to the combining of the Tremblay and Nicholas references. As the seat belts are used for the same function, a teaching in one area can be used in the other. THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy

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as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas J. Brahan/
Primary Examiner, Art Unit 3654